

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

XPOINT TECHNOLOGIES, INC.

Plaintiff,

v.

MICROSOFT CORP., ET AL.,

Defendants.

CIVIL ACTION NO. 09-CV-00628 (SLR)

JOINT MOTION TO DISMISS

WHEREAS, Plaintiff Xpoint Technologies, Inc. (“Xpoint”) and Defendant Dell, Inc. (“Dell”) have resolved Xpoint’s claims for relief against Dell and Dell’s counterclaims for relief against Xpoint asserted in this case.

NOW, THEREFORE, Xpoint and Dell, through their attorneys of record, request this Court to dismiss Xpoint’s claims for relief against Dell and Dell’s counterclaims for relief against Xpoint, with prejudice and with all attorneys’ fees, costs of court and expenses borne by the party incurring same.

BOUCHARD MARGULES
& FRIEDLANDER, P.A.

/s/ Jeffrey M. Gorris
David J. Margules (#2254)
Sean M. Brennecke (#4686)
Jeffrey M. Gorris (#5012)
222 Delaware Ave., Suite 1400
Wilmington, DE 19801
Phone: (302) 573-3500
Fax: (302) 573-3501
dmargules@bmf-law.com
sbrennecke@bmf-law.com
jgorris@bmf-law.com

BERNSTEIN LITOWITZ BERGER
& GROSSMANN LLP
Chad Johnson
Joshua L. Raskin
Jai Chandrasekhar
Sean O'Dowd
1285 Avenue of the Americas
New York, NY 10019
Phone: (212) 554-1400
Fax: (212) 554-1444

SUGHRUE MION, PLLC
William H. Mandir
John F. Rabena
Kelly G. Hyndman
Brian K. Shelton
Eric S. Barr
2100 Pennsylvania Ave., N.W.
Washington, DC 20037
Phone: (202) 663-7959
Fax: (202) 293-7860

*Attorneys for Plaintiff
Xpoint Technologies, Inc.*

RICHARDS, LAYTON & FINGER, PA

/s/ Jeffrey L. Moyer
Jeffrey L. Moyer (#3309)
One Rodney Square
920 N. King Street
Wilmington, DE 19801
(302) 651-7700
moyer@rlf.com

Attorney for Dell, Inc.

March 31, 2011